

## Message Text

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ACTION EUR-12

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TO SECSTATE WASHDC PRIORITY 063  
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C O N F I D E N T I A L SECTION 1 OF 3 THE HAGUE 1338

E.O. 11652: GDS  
TAGS: NATO CSCE NL SHUM  
SUBJECT: NATO: 17 MARCH REINFORCED NAC ON CSCE

1. MFA (BIEGMAN) HAS GIVEN US A COPY OF SPEAKING NOTES  
FOR MARCH 17 NAC MEETING ON CSCE ENTITLED: PREPARATIONS  
FOR BELGRADE; HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS. PAPER  
HAS BEEN CIRCULATED IN THE NINE.

2. FOLLOWING IS TEXT MINUS INTRODUCTION AND CITATIONS  
FROM FINAL ACT:

BEGIN QUOTE:

I. SOME CONSIDERATIONS ABOUT THE TEXTS  
A. THE VERY FACT THAT THE PRINCIPLE OF RESPECT FOR HUMAN  
RIGHTS WAS INCLUDED, ON AN EQUAL FOOTING WITH THE OTHERS,  
IN A LIST OF PRINCIPLES OF INTERSTATE RELATIONS, SUPPORTS  
THE WESTERN VIEW ACCORDING TO WHICH THE WAY IN WHICH  
THIS RESPECT IS ENSURED CONSTITUTED ONE OF THE VITAL  
CRITERIA IN JUDGING THE STATE OF DETENTE AS A WHOLE.  
THIS LINK BETWEEN HUMAN RIGHTS AND DETENTE IS ALSO  
EXPLICITLY MENTIONED: RESPECT FOR HUMAN RIGHTS AND  
FUNDAMENTAL FREEDOMS IS CALLED "AN ESSENTIAL FACTOR  
FOR THE PEACE, JUSTICE AND WELL BEING NECESSARY TO  
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ENSURE THE DEVELOPMENT OF FRIENDLY RELATIONS AND  
CO-OPERATION AMONG PARTICIPATING STATES."

THUS, THE PRINCIPLE ON HUMAN RIGHTS, TOGETHER  
WITH THOSE OF THE SELF-DETERMINATION OF PEOPLES AND ON  
COOPERATION, CONSTITUTES ONE OF THE FOUNDATIONS OF  
THE EVOLUTIONARY CONCEPT OF SECURITY, AS AGAINST THE

STATIC CONCEPT SUPPORTED BY THE EAST, BASED ESSENTIALLY UPON THE RECOGNITION OF THE EXISTING POLITICAL AND TERRITORIAL REALITIES.

THE ELABORATION OF THE PRINCIPLE IN ITS VARIOUS PARTS ALSO CLEARLY REFLECTS THE WESTERN POSITION. EASTERN VIEWS, AIMED AT EMPHASIZING THE SUBORDINATION OF THE RIGHTS OF THE INDIVIDUAL TO THE INTERESTS OF THE COLLECTIVITY AS WELL AS THE FUNDAMENTAL IMPORTANCE OF ECONOMIC AND SOCIAL RIGHTS, HAVE FOUND VERY LITTLE REFLECTION IN THE TEXT.

IN THIS CONNECTION THE FOLLOWING POINTS ARE TO BE NOTED:

A. THE DUTY TO RESPECT AND PROMOTE HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IS STATED BOTH IN REFERENCE TO THE INDIVIDUAL ACTIVITY OF STATES IN THEIR RESPECTIVE TERRITORIES, AND IN REFERENCE TO INTERNATIONAL COOPERATION, BOTH BILATERAL AND MULTILATERAL, IN THIS FIELD;

B. EMPHASIS IS PLACED NOT ONLY ON THE RESPECT IN A GENERAL SENSE OF THOSE RIGHTS AND FREEDOMS, BUT ALSO ON PROMOTING AND GUARANTEEING THE ACTUAL EXERCISE OF THOSE SAME RIGHTS AND FREEDOMS;

C. HUMAN DIGNITY AND THE GOAL OF ITS FREE AND FULL DEVELOPMENT ARE STRESSED;

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D. THE RIGHT OF EACH INDIVIDUAL TO KNOW HIS RIGHTS AND TO ACT UPON THEM IS RECOGNIZED.

MOREOVER, IMPORTANT PROGRESS WAS ACHIEVED IN THE FIRST SENTENCE OF PARA 8 BY COMMITTING ALL PARTICIPANTS TO "ACT IN CONFORMITY WITH THE UNIVERSAL DECLARATION OF HUMAN RIGHTS," A DOCUMENT WHICH THE EASTERN COUNTRIES HAD NEVER UNCONDITIONALLY ACCEPTED. THE UN COVENANTS, ON THE MENTIONING OF WHICH THE USSR INSISTED, ARE REFERRED TO IN SUCH A MANNER AS TO EMPHASIZE "THE FULFILLMENT OF THE OBLIGATIONS": CONTAINED THEREIN BY THE PARTIES THERETO AS WELL AS TO RECALL THE EXISTENCE OF OTHER INTERNATIONAL AGREEMENTS AND DECLARATIONS PERTAINING TO HUMAN RIGHTS.

B. THE PRINCIPLE OF NON-INTERVENTION IS OFTEN QUOTED (AND THEN MORE OFTEN THAN NOT WRONGLY REFERRED TO AS "NON-INTERFERENCE") BY EASTERN COUNTRIES TO SUPPORT THEIR VIEW THAT WESTERN STATES SHOULD ABSTAIN FROM ALLUDING

TO, LET ALONE CRITICIZE, THEIR PERFORMANCE IN THE FIELD OF  
HUMAN RIGHTS.

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C O N F I D E N T I A L SECTION 2 OF 3 THE HAGUE 1338

A CLOSE LOOK AT THE TEXT OF THE NON-INTERVENTION  
PRINCIPLE SHOWS THAT ITS STRUCTURE, SEEN AS A WHOLE,  
SUPPORTS THE WESTERN INTERPRETATION THAT IT PERTAINS TO  
ILLEGAL INTERVENTIONS, EXERCISED BY COERCION, IN THE  
AFFAIRS FALLING WITHIN OTHER PARTICIPANTS' DOMESTIC  
JURISDICTION, DIZ. THOSE WHICH DO NOT INVOLVE INTERNATIONAL  
OBLIGATIONS OR RESPONSIBILITIES; NOT TO LEGITIMATE  
INTERFERENCES SUCH AS REQUESTS FOR THE IMPLEMENTATION  
OF THE FINAL ACT.

THE FIRST PARAGRAPH SETS OUT THE PRINCIPLE. THEN  
FOLLOW THREE PARAGRAPHS ALL INTRODUCED BY "ACCORDINGLY"  
(2ND AND 4TH PARAGRAPH) OR BY "LIKEWISE" (THIRD  
PARAGRAPH). THUS IS IS MADE CLEAR THAT THE CONTENTS  
OF THESE PARAGRAPHS ARE CONCRETE APPLICATIONS OF THE  
PRINCIPLE AS SET OUT IN THE FIRST PARAGRAPH. THE  
SUBSTANCE OF THESE CONCRETE APPLICATIONS IN EACH CASE  
POINT TO THE CLASSICAL MEANING OF "INTERVENTION" AS  
UNLAWFUL ATTEMPTS BY A GIVEN STATE TO SUBORDINATE  
TO ITS OWN INTERESTS THE EXERCISE BY ANOTHER STATE OF THE  
RIGHTS INHERENT IN ITS SOVEREIGNTY OR TO FOMENT THE  
VIOLENT OVERTHROW OF THE REGIME OF ANOTHER STATE. THESE  
CONCRETE EXAMPLES ARE TO BE TAKEN INTO ACCOUNT IN INTER-  
PRETING THE PRINCIPLE. IF THERE WAS ANY ROOM FOR DOUBTS  
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AS TO THE MEANING OF THE FIRST PARAGRAPH WHESE DOUBTS  
WOULD THERFOREBE REMOVED BY THE TEXT AS A WHOLE.

C. THE TEXT OF THE "RIGHT TO DETERMINE ITS OWN LAWS  
AND REGULATIONS" WAS DINCLUDED IN JULY 1974 FOLLOWING AS  
INITIATIVE BY NEUTRAL COUNTRIES AIMING AT ENDING THE  
DEADLOCK IN THE NEGOTIATIONS ON THE THIRD BASKET. THIS  
TEXT, WHICH EASTERN COUNTRIES INTENDED AS A PROTECTION  
AGAINST UNDESIRABLE PROVISIONS IN THE THIRD BASKET,  
SHOULD BE READ TOGETHER WITH THE SECOND PARAGRAPH OF  
THE TENTH PRINCIPLE ALSO QUOTED ABOVE. THIS PARAGRAPH,  
WHICH WAS DRAWN UP AS A PART OF THE SAME PACKAGE DEAL,  
CONSTITUTES A REAFFIRMATION OF THE PRIMACY OF INTER-  
NATIONAL LAW, AND A DECLARATION OF INTENT TO IMPLEMENT  
"THE PROVISIONS OF THE FINAL ACT."

## II. EASTERN EUROPEAN ATTITUDE

IT IS TO BE EXPECTED THAT THE USSR AND ITS ALLIES  
WILL ADOPT EITHER OR ALL OF THE FOLLOWING POSITIONS:

1) ARGUE THE RELEVANCE OF THE NON-INTERVENTION PRINCIPLE.  
AS WAS POINTED OUT ABOVE, THIS WOULD NOT EMBARRASS THE WEST.,  
SINCE THE TEXT OF THE FINAL ACT SUPPORTS OUR VIEW THAT THIS  
PRINCIPLE IS IRRELEVANT TO QUESTIONS CONCERNING ITS  
IMPLEMENTATION

2) TRY TO SEPARATE HUMAN RIGHTS FROM INTER-STATE RELATIONS,  
AND WARN US ABOUT A DETERIORATION OF DETENTE AND EVEN A  
RETURN TO THE "COLD WAR" IF WE REFUSE SUCH AN APPROACH. IF  
THE USSR HAS AN IMPORTANT INTEREST IN DETENTE, AS WE THINK  
THEY HAVE, MUCH OF WHAT IS SAID IN THIS VEIN WILL BE BLUFF,  
INTENDED IN THE FIRST PLACE TO INTIMIDATE THE WEST.  
ONLY IF, IN THE VIEW OF THE USSR, WESTERN INITIATIVES REALLY  
THREATEN THEIR SYSTEM AS SUCH, WILL THEY RISK UPSETTING THE  
PROCESS OF DETENTE, WHICH IS CENTRAL TO THE AVOWED POLITICAL  
CONCEPTION, AND TO THE PRESTIGE, OF THE PRESENT SOVIET  
GOVERNMENT. WHILE TAKING EVERY CARE TO AVODE THE SITUATION  
FROM ESCALATING TO THE EXTENT, THE WEST WILL HAVE ADVANTAGE  
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IN PUTTING FORWARD THEIR OWN PHILOSOPHY OF DETENTE, AS SET OUT  
IN THE NINE'S "DEFINITION."

3) COUNTER-ATTACK IN THE SAME FIELD, I.E., HUMAN RIGHTS.  
PROBABLY, THE EASTERN COUNTRIES WILL CHOOSE THE UN COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS FOR THIS PURPOSE,  
SELECTING CERTAIN ARTICLES SUCH AS EQUAL RIGHTS OF MEN AND  
WOMEN (ART 3) OR THE RIGHT TO WORK (ART (6). IT WILL BE  
IMPORTANT FOR THE WEST TO MAKE A THOROUGH STUDY OF BOTH  
COVENANTS AND OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS,

IN ORDER TO BE IN A POSITION TO EVALUATE REALISTICALLY THEIR OWN PERFORMANCE AND THAT OF OTHER PARTICIPANTS.

IT SHOULD BE NOTED THAT, IF THE EAST CHOOSES TO COUNTER-ATTACH, THEY WILL HAVE LOST THE POSSIBILITY TO CLAIM NON-INTERVENTION. SIMILARLY, AS LONG AS THEY ARGUE NON-INTERVENTION, THEY WILL, IN ORDER TO PROTECT THAT POSITION, HAVE TO REFRAIN FROM INCRIMINATING OTHERS.

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### III. WESTERN ATTITUDE

IT IS CLEAR FROM THE RELEVANT TEXTS, AND LOGICAL AS WELL - SIGNATORIES OF ANY DOCUMENT WOULD SEEM TO BE ENTITLED TO URGE THE NECESSITY OF ITS IMPLEMENTATION - THAT THE WESTERN PARTICIPANTS HAVE THE RIGHT TO RAISE THE SUBJECT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS WITH THEIR EASTERN COUNTERPARTS BEFORE, IN AND AFTER BELGRADE. MOREOVER, SINCE THE 7TH PRINCIPLE FORMS AN INTEGRAL PART OF THE FINAL ACT, IT WILL BE UNAVOIDABLE TO TAKE IT INTO ACCOUNT IN THE EVALUATION OF THE FINAL ACT AS A WHOLE. THE QUESTION, TO WHAT EXTENT TO PRESS THE EAST ON THIS ISSUE IS THEREFORE A PURELY POLITICAL ONE, TO BE DECIDED BY OURSELVES.

THE PRIME CONSIDERATION FOR THE WEST IN FORMULATING THEIR POLICY IN THIS FIELD, AS IN OTHERS, WILL BE THAT THE NET RESULT OF THEIR EFFORTS SHOULD CONSIST OF AN ADVANCE IN THE IMPLEMENTATION OF THE RELEVANT PASSAGES IN THE FINAL ACT., I.E., THE 7TH PRINCIPLE; IN OTHER WORDS, THAT THE HUMAN RIGHTS SITUATION IN EASTERN EUROPE SHOULD IMPROVE.

IN PREPARING THEIR POLICY, THE WESTERN COUNTRIES  
WILL HAVE TO ASSESS THE EXTENT TO WHICH PRESSURE IN THE  
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HUMAN RIGHTS FIELD WILL BE ACCEPTABLE FOR EASTERN EUROPE;  
VIZ., THE MARGIN WITHIN WHICH THE EASTERN REGIMES WILL  
IMPROVE THE TREATMENT OF THEIR OWN POPULATIONS WITHOUT  
ENDANGERING THEIR OWN EXISTENCE.

WE ASSUME THAT A CERTAIN MARGIN EXISTS BETWEEN PRESENT  
REPRESSION AND TOLERABLE RELAXATION.

ANY CLAIM EXCEEDING THAT MARGIN WILL BE COUNTER-  
PRODUCTIVE. IT IS CLEAR THAT THE EASTERN REGIMES WILL  
NOT TOLERATE THEIR "SYSTEMS" TO BE ENDANGERED, AND  
IT STANDS TO REASON THAT IF THEY WERE PUT TO THE CHOICE,  
THEY WOULD PREFER A SETBACK IN DETENTE TO ACCEPTING A  
PERCEIVED RISK TO THEMSELVES.

ON THE OTHER HAND, THEIR STAKE IN DETENTE IS SUCH THAT  
THEY WILL NOT EXAGGERATE IN THEIR REACTION.

FOR THE WEST, ONE OF THE VERY FEW WAYS IN WHICH IT  
CAN EXERT SOME REAL PRESSURE ON THE EASTERN COUNTRIES  
TO IMPROVE THEIR PRACTICES IS TO CONVINCE THEM THAT THE  
IMPLEMENTATION OF THE 7TH PRINCIPLE WILL BE EVALUATED  
IN BELGRADE ALONG WITH THE REST OF THE FINAL ACT, AND  
THAT IT WILL CONTRIBUTE TO THE ASSESSMENT OF THE STATE  
OF IMPLEMENTATION, AND OF DETENTE, AS A WHOLE. THE  
WARSAW PACT STATES ARE CONCERNED ABOUT THE IMAGE THEY  
WILL PROJECT IN BELGRADE, AND THEY WILL BE PREPARED TO  
GO TO SOME LENGTHS TO PRESENT THEIR CASE AS FAVORABLY  
AS POSSIBLE.

IF, ON THE OTHER HAND, THE WESTERN PARTICIPANTS  
WERE TO DECLARE NOW THAT THEY INTEND TO AVOID ALL CON-  
TROVERSY IN BELGRADE, OR IF IN ANY OTHER MANNER THEY  
CREATED THE IMPRESSION THAT FOR THE SAKE OF ATMOSPHERICS,  
THEY WOULD BE PREPARED TO PLAY DOWN THE HUMAN RIGHTS  
PROBLEM THERE, THEN THE EASTERN STATES WOULD NO LONGER  
FEEL UNDER ANY PRESSURE TO IMPROVE UPON THEIR OWN  
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PRACTICES, WHICH THEN MIGHT EVEN FURTHER DETERIORATE.

IV. LINE TO TAKE

THE ABOVE DOES NOT IMPLY THAT IT WILL BE IN THE INTEREST OF THE WEST TO CHART A COLLISION COURSE FOR BELGRADE. THE RIGHT CONCLUSION IS THAT IF WE WISH TO IMPROVE THE HUMAN RIGHTS SITUATION IN EASTERN EUROPE, WE SHOULD DURING THE PRE-BELGRADE PERIOD POINT OUT TO THE EASTERN CSCE PARTICIPANTS:

- 1) THAT IT IS NOT INEVITABLE THAT THERE WILL BE OPEN CONFRONTATION ABOUT HUMAN RIGHTS IN BELGRADE, AND THAT THE WEST DOES NOT FAVOR UNDUE POLEMICS THERE;
- 2) THAT, HOWEVER, THIS ITEM FORMS AN INTEGRAL PART OF THE FINAL ACT AND ITS EVALUATION, AND THAT THE PRINCIPLE OF NON-INTERVENTION CAN NOT BE INVOKED AGAINST IT;
- 3) THAT THE WEST KEEPS ITS OPTIONS OPEN TO COMMENT IN BELGRADE AS IT SEES FIT ON DEVELOPMENT IN THE FIELD OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS.

BETWEEN THE PREPARATORY MEETING AND THE MAIN MEETING WE WILL HAVE TO TAKE A FURTHER DECISION ON THE ATTITUDE TO ADOPT IN BELGRADE. END QUOTE.

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## Message Attributes

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